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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MEDICAL ADVOCATES FOR HEALTHY
AIR, SIERRA CLUB, and LATINO ISSUES
FORUM,

Plaintiffs,

v.

STEPHEN L. JOHNSON, in his official
capacity as Administrator of the United States
Environmental Protection Agency, and
WAYNE NASTRI, in his official capacity as
Regional Administrator for Region IX of the
United States Environmental Protection
Agency,

Defendants,

and

SAN JOAQUIN VALLEY UNIFIED AIR
POLLUTION CONTROL DISTRICT,

Defendant-Intervenor.

Case No. C-06-00093 SBA

**JOINT STIPULATION AND ORDER
SETTLING PLAINTIFFS' CLAIMS
FOR ATTORNEYS' FEES AND COSTS**

Plaintiffs Medical Advocates for Healthy Air, Sierra Club and the Latino Issues Forum, and Defendants Stephen L. Johnson, in his official capacity as Administrator of the United States Environmental Protection Agency (“EPA”), and Wayne Nastri, in his official capacity as Regional Administrator for Region IX of the EPA, by and through their undersigned counsel, say as follows:

WHEREAS, on January 9, 2006, Plaintiffs filed a Complaint for Declaratory and Injunctive Relief alleging that Defendants violated Clean Air Act section 110(c)(1), 42 U.S.C. § 7410(c)(1);

WHEREAS, on July 5, 2006, the Court issued an Order granting Plaintiffs’ motion for summary judgment;

WHEREAS, the Court entered Judgment in favor of Plaintiffs on July 24, 2006;

WHEREAS, the Court granted the parties’ stipulation to extend the time for Plaintiffs to file a motion seeking attorneys’ fees and bill of costs on July 24, 2006;

WHEREAS, Plaintiffs have presented Defendants with a claim for attorneys’ fees and costs in this matter;

WHEREAS, the parties agree that it is in the interest of the parties and judicial economy to settle the Plaintiffs’ claim for attorneys’ fees and costs in this action without protracted litigation;

NOW, THEREFORE, the parties hereby Stipulate and Agree as follows:

1. Defendants agree to pay Plaintiffs, and Plaintiffs agree to accept, the total amount of eighty-three thousand one hundred and thirty-four dollars and eleven cents (\$83,134.11) in full settlement of all claims for costs and attorneys’ fees in the above-captioned litigation;

2. In the event that the payment required by Paragraph 1 is not made within 90 days of entry of this Order, interest on the unpaid balance shall be paid at the rate established pursuant to section 107(a) of CERCLA, 42 U.S.C. § 9607(a), commencing on the effective date of this Order and accruing through the date of the payment.

3. By this agreement, Defendants do not waive any right to contest fees claimed by Plaintiffs or Plaintiffs’ counsel, including the hourly rate, in any future litigation. Further, this

stipulation as to attorneys' fees and costs has no precedential value and shall not be used as evidence by either Defendants or Plaintiffs in any other attorneys' fees litigation.

Dated: October 4, 2006.

Dated: October 4, 2006.

_____/S/_____
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The Court hereby approves and orders each and every term of this stipulated settlement.

IT IS SO ORDERED.

10-6-06
Date


SAUNDRA B. ARMSTRONG
United States District Court Judge